

**REMARKS**

Claims 5-7, 14-18, 31, 33-35, 38 and 41-48 are pending in the application.

Applicant thanks the Examiner for allowing claims 5, 7, 15, 18, 31, 35, 41 and 42.

Applicant has amended claims 6, 14, 16, 17, 33, 34, 38, 43, 44, 45 and 47 to further clarify the claimed invention.

**Rejection Under 35 U.S.C. § 102(e) - Herman**

Claims 6, 16, 33, 38 and 43-48 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Herman (U.S. Patent Number 6,674,898). The rejection is respectfully traversed.

Applicants' claimed invention relates to a video processing device, which includes a cut point detecting means detecting a cut point indicative of changing in an image quality of the moving image based on a change of a feature amount obtained from each frame image. The correction amount update determining means gives an instruction to update the correction amount when the cut point detecting means detects the cut point.

Applicants respectfully submit that the Examiner has improperly concluded that Herman's "detection of [an icon] determines the amount of adjustment, thus indicative of changing in image quality of the moving image," (Office Action page 3). In fact, Herman's icon only indicates change of a scene shot, and nowhere does Herman teach or suggest *a detection of changing image quality in a moving image*. Such a change in image quality is based on a change of a feature amount obtained from each frame image, as explicitly claimed. These explicitly recited elements are not taught or suggested by Herman.

In addition, in Herman, the reference information which consists of color information of an icon held statically is compared with an input moving image. Therefore, only the existence of an icon influences update the correction amount. When there is no icon on an image, updating is impossible even if it is necessary to update the correction amount with time progress.

Conversely, in the claimed invention, color information of a proceeding frame image is made into reference information, and this reference information is compared with the color information of a new frame image. Therefore, it is possible to detect change of the quality of the latest frame image, updating reference information dynamically. Consequently, according to the claimed invention, the correction amount can be updated at any tie about the image which requires an update of the correction amount of an image.

The Examiner has further referenced new art which allegedly teach that a video cut point is called a scene change detection. However, even assuming *arguendo* that the newly cited references (which are not used in any substantive rejection) disclose such an analogy, there is still no teaching or suggestion in the cited references that a cut point is “indicative of changing in an image quality of said moving image based on a change of a feature amount obtained from each frame image,” as claimed. The cited references only teach that a cut point may be a change of scene, however, none of the references teach or suggest such cut points being indicative of changing in an image quality of the moving image based on change of feature amount obtained from each frame image. The cut points of the cited references are merely changes of scenes, having no indication of changes in image quality.

At least by virtue of the aforementioned differences, Applicants’ claim 6 distinguishes over Herman. Applicant’s claims 16, 33, 38, 43-45 and 47 are related independent device,

method and program claims, and are distinguished over Herman for analogous reasons. Claims 46 and 48 are dependent claims and are allowable based on their dependencies as well as for their additionally recited elements. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are respectfully requested.

**Rejection Under 35 U.S.C. § 103(a) - Herman**

Claims 14, 17 and 34 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Herman. The rejection is respectfully traversed.

As discussed above, Herman fails to teach or suggest Applicants' claimed invention as recited in respective independent claims 6, 16 and 33. Applicants' claims 14, 17 and 34 are dependent claims including all of the elements of independent claims 6, 16 and 33, respectively, which as established above, distinguish over Herman. Additionally, Herman fails to teach or suggest that a result of comparison of a color histogram generated based on color information of each pixel of the image which is conducted on a frame basis is considered as a feature amount and a cut point of the moving image is detected based on a change of the feature amount, as Applicants claim. Therefore, claims 14, 17 and 34 are patentable over Herman for at least the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.111  
U.S. APPLN. NO.: 10/083,362

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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